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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,303	04/24/2000	Joann Ruvolo	AM9-99-0134	7178

26381 7590 05/19/2004
LACASSE & ASSOCIATES, LLC
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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/556,303

Applicant(s)

RUVOLO ET AL.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Non-Final Office action is responsive to Applicant's amendment filed March 2, 2004.

Claims 23, 29, and 32-39 have been amended.

Claims 23-39 are pending.

2. The previously pending objection to the declaration is withdrawn in response to Applicant's submission of a corrected Application Data Sheet.

The previously pending objection to the specification is withdrawn in response to Applicant's amendment of the specification.

The previously pending rejection under 35 U.S.C. 101 is withdrawn in response to Applicant's amendment of the claims.

The previously pending rejections under 35 U.S.C. 112, 2nd paragraph are withdrawn in response to Applicant's amendment of the claims.

Response to Arguments

3. Applicant's arguments have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Perlman (U.S. Patent No. 5,558,339).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 23-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Perlman (U.S. Patent No. 5,558,339).

Perlman discloses an electronic calendar event matching system, said system comprising:

[Claim 23] a calendar store (col. 11, lines 11-37 – The server stores user preference information at least as long as the user is logged in);

a match server operatively connected to said calendar store by an electronic calendar application (col. 11, lines 11-37 – Users are matched up by game-related preferences), said match server comprising:

a request handler operatively connected to an event handler, said request handler routing requests for calendar event functions to said event handler, said event handler allowing for the registration, modification, or deletion of an event (col. 11, lines 11-37);

an event repository, said event repository cooperating with said event handler to store and update calendar event functions (col. 11, lines 11-37 – The server stores user preference information at least as long as the user is logged in);

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a response handler operatively notifying a requesting first entity that said calendar event has been registered, modified, or deleted (col. 11, lines 41-43 – Upon notifying a user that a match for him/her has been found, the user is inherently notified of results regarding the registration of his/her game preferences), and

a match engine performing a search of said event repository to locate a match for registered events of said first entity with a registered event of at least one second entity, said match fulfilling the period of time, event criteria, minimum matching requirements, and attributes of an activity or an entity (col. 11, lines 11-43 – Users who currently want to play the same game, live within the same area code, and possess the same skill level may be matched together);

[Claim 24] a timer module and said match engine searches for matching events according to a schedule of said timer module (col. 10, line 1 through col. 11, line 49 -- Perlman's invention is timed to begin performing matches whenever a user logs in to request a game match);

[Claim 25] wherein upon location of a match of a calendar event, said response handler notifies said first entity and said second entity via said electronic calendar application (col. 11, lines 41-43);

[Claim 26] wherein said calendar event functions comprise categories (col. 11, lines 11-12 – The video games are part of a "video game" category and each specific type of video game can be viewed as a category unto itself);

[Claim 27] wherein said categories comprise at least one of: personal matching, job positions, job qualifications, meetings, and activities (col. 11, lines 11-43);

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[Claim 28] wherein said categories comprise any of a commerce activity, service desired, service offered, item for sale, item desired for purchase, request for quote, delivery of pickup of an item or person(s), replenishment of supplies, or the reservation of the use of a facility, place, vehicle or object (col. 11, lines 11-43 – Multi-player video game services are offered);

[Claim 29] wherein a multiplicity of times for a commerce activity are available at variable prices or rates and which the most favorable price or rate is selected (col. 9, lines 15-23 – Users can select to pay business or off-hour rates by logging in to play a game either during business hours or off-hours, respectively);

[Claim 30] wherein said system may be implemented locally or remotely on one or more computer-based systems, across networks or existing communication mediums (col. 10, lines 18-35);

[Claim 31] wherein said across networks element comprises any of LANs, WANs, cellular, Internet or Web based networks (col. 10, lines 18-35).

[Claims 32-39] Claims 32-39 recite limitations already addressed by the rejection of claims 23-31 above; therefore, the same rejection applies.

Regarding claims 32 and 39, matching occurs until a sufficient number of users has been identified. Once all suitable users have been matched to play a game, it is understood that the users are no longer in search of a match. These users are connected to one another to play the requested game and they are charged accordingly. Users are moved from one status to another as they are matched and are

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later monitored for connection time charges, thereby indicating that the users' requests to play a game are effectively moved from an event repository to a match repository. In other words, while a user is still in search of a match, it can be interpreted that his/her request is in an event repository. However, once the user finds his/her match(es), the user is removed from the event repository since he/she is no longer in search of a match(es). Successful matches are assigned a unique identification code and details of the match and resulting game statistics are stored (col. 11, lines 41-49); therefore, it is understood that specific user and related game statistics are stored in a separate repository.

Furthermore, as per claim 38, Perlman's users can only be matched as long as they are logged in. Once they log off, they effectively delete any current event matches.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

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**Commissioner for Patents
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or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 22202, 7th floor receptionist.

Susanna Diaz
Susanna M. Diaz
Primary Examiner
Art Unit 3623
May 17, 2004